

11-27-02

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Docket No. 212/292

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Giuntoli, et al.

Serial No.: 09/896,977

Filed: June 29, 2001

For: Hydrogel and Scrim  
Assembly for Use with Electro-  
Acupuncture Device with  
Stimulation Electrodes

Art Unit: Unassigned

Examiner: Unassigned

PETITION TO REVIVE ABANDONED APPLICATION

Commissioner of Patents & Trademarks  
Washington, D.C. 20231

RECEIVED

DEC 03 2002

OFFICE OF PETITIONS

Sir:

This paper is responsive to the Notice of Abandonment dated August 26, 2002.

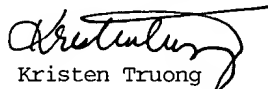
Applicants hereby petition revive this application pursuant to 37 C.F.R. 1.137(b). The Notice of Abandonment stated that the application was held to be abandoned because of Applicant's

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Certificate of Mailing (37 CFR 1.10)

I hereby certify that this response (along with any paper referred to as being attached or enclosed) is being deposited in Express Mail using Express Mail Post Office to Addressee with the United States Postal Service on the date shown below in an envelop addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Express Mail No. EV 093544055 US  
Date: November 26, 2002

  
Kristen Truong

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failure to timely file a proper reply to the Notice to File Missing Parts dated August 21, 2001.

Applicants have included with this petition the required response to the Notice to File Missing Parts, including the basic filing fee (\$370), the total additional claim fees (\$81 for 9 claims in excess of 20 and \$336 for 8 independent claims over 3), a late filing fee or oath or declaration surcharge under 37 C.F.R. § 1.16(e) (\$130), the petition fee required by 37 C.F.R. § 1.17(m) (\$640), a copy of the Notice of Abandonment, a copy of the Notice to File Missing Parts, the oath or declaration, an assignment, a power of attorney, and a certified declaration claiming small entity status. The total fees due for this communication should be \$1557.

The entire delay in filing the required reply to the Notice of Missing Parts from the due date for the reply (February 21, 2002) until the filing of this grantable petition (November 26, 2002) was unintentional.

No terminal disclaimer is required under 37 C.F.R. § 1.137(d) since the application was filed after June 8, 1995.

#### Conclusion

Applicants request that the application be revived. The Commissioner is hereby authorized to charge payment of the fees associated with this communication, any deficiency in the fee paid, or credit any overpayment, to Deposit Account 03-3700.

*Theodore D. Fay III*

Date: November 26, 2002

By:

Theodore D. Fay III, Esq.  
Reg. No. 48,504